

IEPA Log No.: **C-0181-18**
CoE appl. #: **2018-156**

Public Notice Beginning Date: **October 5, 2018**
Public Notice Ending Date: **November 5, 2018**

Section 401 of the Federal Water Pollution Control Act
Amendments of 1972

Section 401 Water Quality Certification to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water
Division of Water Pollution Control
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: Vigo Coal Operating Co., LLC, 250 Cross Pointe Blvd., Evansville, IN 47715

Discharge Location: Sections 2, 3 and 10, T1S, R13W of the 2nd P.M. in Wabash County near Mt. Carmel

Name of Receiving Water: Unnamed Tributaries to Fordice Creek and Coffee Creek, Unnamed Wetlands and Open Waters.

Project Description: Friendsville Mine Phase III.

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge into the waters of the state associated with a Section 404 permit application received by the U.S. Army Corps of Engineers. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. The last day comments will be received will be on the Public Notice period ending date unless a commenter demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters shall provide their names and addresses along with comments on the certification application. Commenters may include a request for public hearing. The certification and notice number(s) must appear on each comment page.

The attached Fact Sheet provides a description of the project and the antidegradation assessment.

The application, Public Notice/Fact Sheet, comments received, and other documents are available for inspection and may be copied at the IEPA at the address shown above between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicate a significant degree of public interest in the certification application, the IEPA may, at its discretion, hold a public hearing. Public notice will be given 30 days before any public hearing. If a Section 401 water quality certification is issued, response to relevant comments will be provided at the time of the certification. For further information, please call Thaddeus Faught at 217/782-3362.

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Fact Sheet for Antidegradation Assessment

Vigo Coal Operating Co., LLC – Unnamed Tributaries to Fordice Creek and Coffee Creek, Unnamed Wetlands, and Open Waters – Wabash County

IEPA Log No. C-0181-18

COE Log No. LRL-2018-156

Contact: Abby Brokaw 217/782-3362

October 5, 2018

Vigo Coal Operating Co, LLC (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with surface mining recovery activities at a 1,130-acre site located in Mt. Carmel, Illinois. More specifically, the proposed project is located within Sections 2, 3, and 10; Township 1 South; and Range 13 West in Wabash County. In its current condition, the project area is predominantly composed of row crop agriculture, field/pasture, and residential properties.

The active mining of the Friendsville and Friendsville upper coal seams is projected for a five-year period with reclamation activities lasting an additional one to two years. The surface mining would include complete removal and replacement of surface material, topography, drainage features, and other waterbodies. All economically recoverable coal would be processed and sold.

The mining operations would be performed in phases using trucks and shovels/excavators. The initial phase would consist of construction of haul roads, mine management areas, sediment basins and stream relocation (diversion ditches). Mining operations would begin on the southwestern portion of the proposed permit boundary and progress to the east. There would be an additional box cut opened up on the northwestern portion of the permit area at the crop line and progress west to the northeastern portion of the project boundary. The open pit areas would be backfilled as mining progresses. When backfilling is completed in an area, topsoil would be redistributed to begin revegetation.

A total of 25.1 acres of wetlands, 5.27 acres of open waters and 47,237 linear feet of existing streams were identified on the site. A total of 4.4 acres of wetlands and 8,890 linear feet of stream length would be avoided. The proposed project would fill 17,258 linear feet of ephemeral streams; 21,089 linear feet of intermittent streams; 19.5 acres of palustrine forested (PFO) wetlands; 0.2 acres of palustrine scrub-shrub (PSS) wetlands; 0.7 acres of palustrine emergent (PEM) wetlands; 0.3 acres of palustrine unconsolidated bottom (PUB) wetlands; and 5.27 acres of open waters. To offset the impacts of fill material, the Applicant proposes on-site and off-site stream and wetland mitigation. The Applicant would take appropriate steps to minimize affects to aquatic resources by placing required sediment basins and diversions as close to the coal extraction as possible. Sediment control would be provided through structures constructed in advance of mining to protect downstream features from excessive sedimentation. The areas would be returned to approximate original contours, covered with stockpiled soil material, revegetated, and returned to an approved post-mine land use.

Identification and Characterization of the Affected Water Body.

The identified wetlands and open waters are General Use waters with 0 cfs of flow during 7Q10 low-flow conditions. The wetlands and open waters are not listed as biologically significant streams in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System* or given integrity ratings in that document. The wetlands and open waters are not listed on the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List and are not subject to enhanced dissolved oxygen standards. The wetlands identified include 23.9 PFO acres; 0.2 PSS acres; 0.7 PEM acres; and 0.3 PUBG acres.

The General Use unnamed tributaries of Fordice Creek and Coffee Creek have 0 cfs of flow during 7Q10 low-flow conditions. The unnamed tributaries are not listed as biologically significant streams in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System* or given integrity ratings in that document. The unnamed tributaries of Fordice and Coffee Creeks, tributaries to Waterbody segments IL_BCB and IL_BD, have not been assessed and are not listed in the draft 2016 Illinois

Integrated Water Quality Report and Section 303(d) List. The unnamed tributaries are not subject to enhanced dissolved oxygen standards. The streams identified include 17,258 linear feet of ephemeral streams and 21,089 linear feet of intermittent streams.

The USGS Illinois Streamstats basin characteristics program gives a range of watershed sizes from 0.06 to 1.62 square miles for the unnamed tributaries of Fordice Creek and Coffee Creek at the proposed project site. According to the Illinois State Water Survey, the unnamed tributaries of Fordice Creek and Coffee Creek in the area of the proposed mine are likely to be 7Q1.1 zero flow streams. In this region of Illinois, 7Q1.1 zero flow streams are streams with a watershed area of 5 square miles or less. These streams would exhibit no flow for at least a continuous seven-day period nine out of ten years. Aquatic life communities in these headwater streams are tolerant of the effects of drying. Depending on the rainfall received before biological surveys, either a very limited aquatic life community or no community at all would be found. Given this flow regime, no additional biological characterization is required.

Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses.

Total suspended solids (TSS) would be treated in the sedimentation ponds. Effluent discharged from these ponds will contain suspended solids loadings that are similar to those occurring from the land in its present use. The proposed project's discharge loading would be present only during active mining. On the 1,130-acre site, 1,040 acres would be impacted, and 90 acres would be avoided. Of the 25.1 wetland acres present, 4.4 acres would be avoided. Of the 47,237 total linear feet of streams present, 8,890 feet would be avoided. Total impacts to 20.7 acres of wetlands and 38,347 linear feet of streams would be mitigated on- and off-site, in- and out-of-kind. Impacts to the uses of downstream waters due to suspended solids are not anticipated. The Applicant would take appropriate erosion control measures to reduce the potential for unintentional sedimentation and sediment runoff to adjacent, regulated waters.

Fate and Effect of Parameters Proposed for Increased Loading.

The Applicant proposes to mitigate functions lost from 17,258 linear feet of ephemeral streams; 21,089 linear feet of intermittent streams; and 20.7 acres of wetlands. Mitigation is proposed both on- and off-site, following the mining and reclamation phase. The proposed location for off-site mitigation is a 75 acres tract located approximately one mile southwest of the proposed mine. Land use at the off-site area is primarily row crop agriculture, but also includes a narrow, forested stream corridor that enters the site on the east end and flows west through an existing mitigation site. The plan includes restoring the ditch, PFO wetlands and riparian buffer.

Impacts to all types of existing wetlands are proposed to be mitigated by establishing 60.2 acres of PFO wetlands, including 17.7 acres on-site and 42.5 acres off-site. Off-site wetland construction would be completed within the first full growing season following permit issuance. The wetlands would be managed for hard mast species and constructed to receive hydrology from overbank flows of adjacent streams as well as precipitation.

Wetland Type	Impacted Acreage	Mitigation Ratios	Mitigation Total
PFO	19.5	3:1	58.5
PSS	0.2	2:1	0.4
PEM	0.7	1.5:1	1.0
PUBG	0.3	1:1	0.3
Total	20.7	NA	60.2

A total of 5,573 linear feet of stream length would be mitigated with on-site in-stream restoration; 20,307 linear feet would be mitigated by on-site re-creation; and 3,838 linear feet would be mitigated with off-site stream restoration. Off-site stream mitigation would be completed by the end of the first full growing season following permit issuance. The majority of all streams within the permit have heavy agriculture influence, (channelization,

heavy sedimentation, and reduce riparian). This agricultural influence would be reduced through the creation of riparian buffers and isolating the majority of the mitigation from the impact area and heavily farmed sites. Mitigation natural streams would be of Rosgen B or C type dependent on stream and valley slope and would be planted with 50-foot forested riparian corridors on each bank for ephemeral streams and 100-foot forested riparian corridors on each bank for intermittent streams.

Stream Type	Impacted Linear Feet	Mitigation Ratio	Mitigation Total
Intermittent	21,089	1:1	21,089
Ephemeral	17,258	0.5:1	8,629
Total	38,347	NA	29,718

Impacts to the 5.27 acres of open water will be mitigated for by the creation of 36.3 acres of open water on-site. The mitigation plan is open to comment and subject to change by USACE upon review of submitted information. The Applicant is proposing to recompute the actual impacts and mitigate only those impacts on- and off-site according to the ratios provided.

Purpose and Social & Economic Benefits of the Proposed Activity.

The proposed mining area would provide extended employment opportunities and sustain indirect economic benefits to the local communities. Once mining is complete, the areas would be properly reclaimed providing an environmental benefit to the area.

Assessments of Alternatives for Less Increase in Loading or Minimal Environmental Degradation.

Mining methods were reviewed based on geography, geology, economics and surface/mineral rights control. Those methods include: no action; underground mining; auger/highwall mining; area mining; combination of surface area method and auger/highwall; and surface mining. Underground and auger/highwall methods were determined impracticable due to the characteristics of the coal seam. The combination method would double the total cost of mining at the site and was determined an economically unfeasible method. Surface area mining was determined as the least environmentally damaging and most practical alternative. The Applicant's preferred plan includes environmental impacts that are unavoidable and impacts to site wetlands and streams would be mitigated. The mining expansion project would follow conditions set forth by the Agency and USACE.

Summary Comments of the Illinois Department of Natural Resources, Regional Planning Commissions, Zoning Boards or Other Entities.

On February 27, 2018, an IDNR EcoCAT consultation was initiated and determined that the Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project area. The consultation was terminated.

Agency Conclusion.

This preliminary assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard) and was based on the information available to the Agency at the time this assessment was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; that all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity; and that this activity will benefit the local community by providing jobs and supporting the economy. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.